

COUNT ZBOROWSKI KILLED BY HIS AUTO.

Thrown Against a Rock in a Hill-Climbing Race in France—His Skull Is Crushed and He Expires Instantly.

Member of a Famous New York Family and His Wife a Descendant of the Astors—Their Marriage Followed a Scandal Which Was International.

NICE, France, April 1.—Count Elliot Zborowski, the American millionaire, who has spent the last ten years in Europe and who has gained an international reputation as an automobilist, met his death to-day in an automobile hill-climbing race between here and La Turbie.

His machine, going at terrific speed, was turned over at a sharp curve, and the American was thrown headforemost against a rock. His skull was split open and he was instantly killed. His chauffeur, Baron de Pallange, who recently became a professional automobilist, was mortally injured.

The race was stopped as soon as it was known that the Count

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KEENE IS UNDER HARRIMAN'S FIRE

President of Southern Pacific Makes Affidavits, in Which He Says the Wall Street Plunger Threatened Trouble.

OVERTURES TO SELL STOCK.

E. H. Harriman gave out from his office this afternoon copies of the answer and affidavits submitted by the Southern Pacific directors to-day in the Federal Court at Nashville in the suit brought by James R. Keene to enjoin the directors from voting the stock held by the Union Pacific interests at the annual meeting of the Southern Pacific on April 8.

Principal of these is the affidavit of Mr. Harriman himself, which sets forth his story of the purposes of the Keene move. Mr. Harriman denies point blank all the allegations of Mr. Keene that the Southern Pacific is being run in the interest of the Union Pacific, and then goes on to tell of how, in October, 1901, Edward L. Latta called him up on the phone and asked him if he would see a friend that evening on business.

Overtures in Keene's Name. Mr. Harriman says he consented and David Lamar appeared. Lamar said he was very friendly to Mr. Keene, who had large holdings in Southern Pacific and was contemplating steps detrimental to the interests of Mr. Harriman. Mr. Lamar said he had influence enough with Mr. Keene to keep him from starting these proceedings of an arrangement could be arrived at with him, Lamar.

Mr. Harriman says that he put Lamar off until the next day and when the latter telephoned to him he refused to enter into an arrangement with him. About this time, he says, he also had several interviews with Mr. Keene. In one of these Mr. Keene would start him to join with him in the purchase of Southern Pacific stock with a view to boosting the price of the stock. Mr. Keene, says Mr. Harriman, mentioned that he was an adept at such business, and cited his handling of the United States Steel shares as an illustration.

Lamar Kept on Calling. Mr. Keene assured him that he wanted to make no trouble and went away. In the autumn of 1902, Mr. Harriman goes on to say, he was informed that Latta, Talbot Taylor and Keene were preparing to make trouble for him. Lamar kept calling up on the phone.

Then a friend of Mr. Harriman, who, he says, stands very high in Wall street, came to him with a story that he had been approached by Lamar. Lamar told this friend that Keene had of pool holdings in Southern Pacific 200,000 shares and of his own 70,000. Lamar, according to this friend, said that Keene contemplated making trouble unless Mr. Harriman took over the pool holdings at 70 and Mr. Keene's own holdings at 70. "I told him," says Mr. Harriman, "that I would not do anything that might do to recommend a course adverse to the interests of the general body of stockholders of the Southern Pacific."

SLIDELL AT 6 TO 1 WINS.

Takes the Opening Event at Benning's from Ziri, with the Favorite, Blue and Orange, in Third Place.

TRACK NEARLY FAST AGAIN.

THE WINNERS.
FIRST RACE—Six and a half furlongs.—Slidell (6 to 1) first, Ziri (8 to 5) second, Blue and Orange third.

SECOND RACE—Four and a half furlongs.—Judge (2 to 5) 1, Listaway (10 to 1) 2, M. Theo 3.

THIRD RACE, 6 furlongs.—Examiner (1 to 3) 1; Flying Buttriss (4 to 1) 2; Anna Daly, 3.

FOURTH RACE—Seven furlongs.—Bendure (5 to 1) 1, Flo Russell (7 to 1) 2, Cherubim 3.

(Special to The Evening World.)
BENNING'S RACE TRACK, WASHINGTON, D. C., April 1.—The regulars came out to the track in good shape to-day. The card looked easy to them. In every race there was a horse that stood out above the others so much that it looked a shame to take the money. The talent actually looked upon the bookies with pitying eyes.

Blue and Orange, Judge, Cherubim, Examiner and Lord Badge stuck out like a wart on a girl's nose and the talent could see visions of easy money in front of them. The summaries will show whether these golden dreams were realized, or whether they came tumbling about the ears of the talent like a house of cards.

The card that looks the easiest is generally the most disastrous to the talent. There was nothing lacking in the shape of weather. The air was mild and spring-like and the breeze had no suggestion of the winter just over. The track was drying out fast. Along the backstretch the going was dusty in spots, but on the whole it was too lumpy to be considered fast. The attendance was large.

READY TO ASK A RECEIVER.

Witness Amory Admits Papers Are Prepared for Petition Against Metropolitan Company.

FOR STOCKHOLDER BRAKER.

Gen. Tracy and Wheeler H. Peckham Appear for Keene and Taylor—More Cablegrams Produced by Defense.

The hearing of the charge of criminal libel against H. H. Vreeland, President of the Metropolitan Traction Company and Interurban Company, was resumed before Magistrate Barlow in Centre Street Court to-day. The complainant, William N. Amory, was on the stand and under questioning by De Lancey Nicoll admitted that papers had been drawn two weeks ago looking to an application for the appointment of a receiver for the Metropolitan Traction Company.

These, Mr. Amory stated, were drawn up by ex-District Attorney Philbin, acting as lawyer for Mr. Braker, a Metropolitan stockholder.

On previous hearings, while Mr. Amory was on the stand, it developed that the witness had been in constant communication with James R. Keene, through his son-in-law and broker, Talbot J. Taylor, who put up all the money for the preliminary work of bringing a civil action for the appointment of a receiver for the traction company.

Additional interest was given the proceedings to-day by the appearance of Gen. Benjamin F. Tracy and Wheeler H. Peckham, representing Mr. Taylor and Mr. Keene in the proceedings.

Mr. De Lancey Nicoll, counsel for Mr. Vreeland, told both gentlemen that they would not be wanted to-day. The two distinguished lawyers left the court as soon as Amory took the stand.

More Cablegrams.
More cables which passed between Amory and William A. Hazard, a friend of Mr. Keene's, who was in Paris, were read. Mr. Nicoll wanted to show by these cablegrams that the whole movement was part of a stock-jobbing scheme.

District Attorney Jerome came into court and sat next to where Mr. Nicoll stood, questioning the witness.

"I want to see Judge Jerome in November," Amory said. "That was about three or four weeks after my last interview with Mr. Keene. I saw Judge Jerome and put the facts before him. He referred me to Mr. Schurman."

"When you last saw Mr. Keene did you talk about the application for a receiver, did you not ask him to put up money to go on?" Mr. Nicoll asked.

"Well," Mr. Amory said, "I wanted Mr. Keene to stand by. I wanted a man who could not be bought out by the Metropolitan Traction Company."

"At what date did you commence with Mr. Philbin this proceeding for a receiver?" Mr. Nicoll asked.

Drew Up Papers for Receiver.
"Mr. Philbin began two weeks ago to draw up papers on the paper in the application for a receiver," said the witness.

Whose behalf is this application to be made?" Mr. Nicoll asked.

"Henry J. Braker," he replied. Mr. Nicoll did not question the witness as to the fact that Mr. Philbin had caused the arrest of private detective who was shadowing Mr. Braker. "During these talks with Braker and E. C. Taylor, did you not look to who should be the receiver?" Mr. Nicoll asked.

PERCIVAL COVERT, WHOSE LOVE LED TO HIS SUICIDE, AND MRS. LYLLA SCHOONMAKER, WHOM HE FATALLY SHOT.

(From Photographs.)



SUICIDE AFTER AN ELOPEMENT

Young Stothard and Secretly Wedded Bride, Afraid to Apply for Forgiveness, Took Poison.

DEAD BODIES IN THE YARD.

(Special to The Evening World.)
PATERSON, N. J., April 1.—Afraid to face his father and his mother with his bride, whom he had married secretly, Thomas Frederick Stothard and his wife killed themselves in the yard of the elder Stothard's house and the dead bodies were found to-day.

Young Stothard lived with his father at Lakeview, a suburb of this city. He was employed in East New York. There he met Louise Chausser, but his parents objected to his marriage to her.

Yesterday, after an absence from home of several days, he wrote his mother that he and Miss Chausser had been man and wife since last September. He inclosed the marriage certificate and said that he and his bride were coming to Lakeview to seek forgiveness.

When the elder Stothard went into the yard to-day he saw the dead body of a woman. Further investigation disclosed the dead body of his son in an outhouse. By the body of the young man lay an empty eight-ounce bottle that had contained carbolic acid.

It is believed that young Stothard and his bride arrived in Lakeview on a late train last night and that they had intended to beg the forgiveness of his parents, but that fearing they would meet with a cold reception decided to end their lives.

PREVOST WINS IN FRENCH DUEL.

Noted Writer Wounded Brother of Woman Who Shot at Him in Paris Street.

PARIS, April 1.—The brother of Mile. Emma Tourret was wounded in the forehead to-day in a duel fought with M. Marcel Prevost, the novelist, at Neuilly.

Mile. Tourret fired two shots from a revolver Monday at M. Prevost. Her brother later sent his seconds to the latter.

ODELL COMPANY GETS PIER LEASE

Sinking Fund Commission Jams Deal Through Despite Offer of \$5,000 a Year More Rental from Another Concern.

BID WAS MET WITH SNEERS.

Gov. Odell's Steamship Company won the lease of Pier 24 North River to-day for twenty years at \$20,000 a year, the Sinking Fund Commission deliberately turning down an offer of \$25,000 a year for the same privilege.

Mayor Low, Comptroller Grout, Chamberlain Gould, President Forbes, of the Board of Aldermen, and Alderman Herbert Parsons, Chairman of the Finance Committee, comprise the commission.

Comptroller Grout said he was in favor of granting the lease to the Odell concern and Mayor Low ordered a roll call. Before it was taken Lawyer John E. Brodsky presented the following letter:

"Gentlemen: On behalf of a client of unquestioned responsibility I hereby offer to accept a lease of pier No. 24 North River for the term of twenty-six years at an annual rental of \$25,000, payable in such manner as may be required, or if such time cannot be agreed upon for a lease then I will accept a lease of such pier for a term of ten years, with renewals covering such period, at the same annual rental."

"JOHN E. BRODSKY."
"Whom do you represent?" asked Comptroller Grout.

"I represent a highly responsible steamship company—tenants at present of the city who already occupy piers and have leases," replied Mr. Brodsky. "If we accept your terms what is to become of the Hudson River trade?"

Mr. Brodsky replied: "That does not concern me nor should it concern this board. I am here prepared to pay the city \$5,000 a year more for a lease than is offered in the lease you are about to ratify."

Grout: "Oh, I don't think your offer is bona fide; it is not in good faith." "The clerk will call the roll," interposed the Mayor, and the lease was granted to Odell on the spot, although Brodsky offered to produce his clients at once.

Lawyer Brodsky said later that he would apply for an injunction.

LOVE TANGLE ENDS HIS LIFE.

Percival Covert, Bank Clerk and Embezzler, Shoots a Married Woman and Then Commits Suicide.

HE WAS ENGAGED TO WED.

Madly infatuated with a married woman, engaged to marry a beautiful young girl, discharged from a \$2,000 a year position and threatened with arrest for embezzlement—that was the hopeless tangle in which Percival Covert, twenty-eight years old, a clerk in the Williamsburg Trust Company, found himself, and which he ended by blowing out his brains.

His attempt to murder Mrs. Lylla Schoonmaker, who had befriended him, despite his passion for her, shows that his mind had been unbalanced by his troubles.

When Nicholas Schoonmaker, an engineer in the Western Union Building, at No. 156 Broadway, returned to his home, No. 90 Pine street, East New York, late last evening, he found his wife and Covert lying at the point of death across his bed. Both were fully dressed. The woman was bleeding from a bullet wound in her breast. Covert had a bullet hole in his forehead and a revolver in his hand. He died on the way to the hospital.

His Victim Near Death.
At the Bradford Emergency Hospital it was said that Mrs. Schoonmaker's chances for recovery were one in a thousand. Blood poisoning is feared if she is not operated on, and an operation is impossible from fear of hemorrhage. Covert's bullet entered Mrs. Schoonmaker's body at the top of the right breast, passed through the lung, grazed the liver and lodged near her spine.

Mrs. Schoonmaker recovered consciousness this afternoon. To a nurse she repeated that Covert fired the shot. "My husband is not to blame at all," she said. "Mr. Covert shot me."

"Why did he shoot you?" was asked. "We were friendly—too friendly for my own good."

Letters found in Covert's pockets addressed to his mother and his friend George Carsons showed that he had embezzled \$1,000 from the Williamsburg Trust Company and had been contemplating suicide since last Saturday, when the letters were written at the Astor House.

Engaged to Wed.
It was learned to-day that Covert, despite his infatuation for Mrs. Schoonmaker, was engaged to marry Miss Minnie Kunzweiler, of No. 170 Magenta street, East New York. Before she learned to-day of his tragic death she spoke freely of her friendship for him.

"We became engaged three months ago," she said. "A few weeks ago he gave me a \$300 diamond engagement ring. He called last Sunday night and appeared greatly depressed. 'If you only knew what is troubling me,' he said, when I noticed his manner. 'Why not tell me?' I asked. He replied, 'Why you may hear of it soon enough.' He left shortly after, promising to return on Wednesday night."

When Miss Kunzweiler was informed of her fiancé's death she swooned.

COURT DECIDES MEN MAY STRIKE.

Injunction Granted Against the Wabash Trainmen and Firemen. Restraining Them from Quitting Their Posts, Is Dissolved To-day in United States Circuit Court.

Counsel for the Road and the Men Get Together To-day and Strike May Be Averted—The News Affects Wall Street and Traders Sell the Road's Stock at a Drop.

ST. LOUIS, April 1.—In the United States District Court to-day Judge Elmer B. Adams handed down a decision dissolving the injunction granted March 3 restraining officials of the Brotherhoods of Locomotive Firemen and Railroad Trainmen and other leaders from influencing in any way or ordering the men employed on the Wabash Railway system to strike.

The injunction when granted created a tremendous sensation in labor circles. It was looked upon as the most drastic measure ever taken against a labor organization and from all over the country came telegrams from labor bodies to the representatives of the trainmen and firemen urging them to make a bold fight against the injunction, because if it were upheld in the higher courts it would mean the end of strikes.

THE WORDS OF THE INJUNCTION.

The injunction was worded thus: "We therefore do strictly command you until the further order of the Court absolutely to desist and refrain from in any way, of manner ordering, coercing, persuading, inducing or otherwise causing, directly or indirectly, the employees of the said, the Wabash Railway Company, to strike or quit the service of said company."

Argument was heard before Judge Adams looking to the dissolution of the injunction and the decision handed down by him to-day is the result. The decision reviews the fact that this temporary injunction was granted on allegations made by officials of the Wabash system that the defendants were conspiring to interfere with interstate traffic and in the transmission of United States mails.

In his decision Judge Adams analyzes the bill of complaint upon which the provisional restraining order was issued, showing that the gravamen of the charge was that the defendants had entered into an unlawful and malicious conspiracy to secure recognition by exercising their powers as supreme and controlling officers of the Brotherhoods of Firemen and Trainmen to force an undesired strike upon the men, who were members of their organizations, and prevent their members who were working for connecting lines from handling the traffic of the Wabash Railroad.

DONE TO HELP AVERT A STRIKE.

Upon the showing made that the first step of the conspiracy, namely, the ordering of such a strike, was contemplated by the defendants, and that irreparable damage would necessarily befall the railroad unless a restraining order was forthwith issued, the same was done for the purpose of holding the property and the parties in statu quo until both sides could be fully heard on the motion to set aside or modify the order.

Within the time allowed by the restraining order defendants appeared and filed their sworn answer denying the alleged conspiracy in all its phases, and particularly in denying any purpose to interfere with interstate commerce or the mails of the United States, and especially denying that the employees were satisfied with wages and conditions of the service, and denying the practice of any and all coercion or false representations to bring about a strike.

The Court finds that the statements of the bill of complaint to the effect that employees were satisfied with their wages and conditions of service are not sustained, and that for a long time prior to the filing of the bill of complaint the employees were dissatisfied with their wages and conditions of service, and a real difference of opinion existed between the railroad and a large majority of its employees, members of the Brotherhoods, with respect to their wages, and that the defendants as officers and committees of the Brotherhoods were fully authorized, both by reason of their official relation to their members and also by direct written authority, to represent them in the effort to secure higher wages and change conditions of service, and that the proposed strike, instead of being obviously ordered by the defendants, was a result of the vote of the employees acting without coercion and directly authorizing the same.

CONSPIRACY NOT SUSTAINED.

The Court further finds, after a full examination of the evidence, that the charge of conspiracy to interfere with the interstate commerce of the United States, or the mail service of the United States, is not sustained. In discussing these issues, after reviewing many authorities, the Court concludes by laying down the law governing the rights, duties and privileges of employees.

Col. Blodgett, general solicitor of the Wabash, was apparently depressed by the decision. "It is too early to say now whether or not we will appeal," he said. "That will be decided after the decision shall have been read."

W. M. Judson, special counsel for the brotherhoods, says he and Col. Blodgett are making efforts to bring all the parties interested together and that in his opinion there will be no strike.

NEWS CAUSES DROP IN STOCKS.

The dissolution of the strike injunction against the Wabash trainmen caused the Wall street traders to sell the preferred stock freely, and it declined to 46 3/4. Pennsylvania and Southern Pacific fell off rapidly and sold about a point each under last night, while Colorado Fuel lost 2 1/2. Other speculative favorites reached a lower level on small transactions.

NO STRIKE ON NEW HAVEN ROAD.

President Hall and Labor Leaders Announce that Trainmen's Difficulty Has Been Adjusted.